

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

**NOTICE OF APPEAL, REQUEST FOR  
EXTENSION, AND TRANSMITTAL OF RESPONSE**

Docket Number  
**2345/159**

Application Number  
**09/890,597**

Filing Date  
**May 24, 2002**

Examiner Art Unit  
**Hanh Phan 2613**

Title  
**REDUCING THE DISTORTION OF OPTICAL  
PULSES CAUSED BY POLARIZATION MODE  
DISPERSION IN OPTICAL COMMUNICATION  
SYSTEMS**

Applicant(s)  
**Wolfgang Dultz et al.**

Address to:  
Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being electronically  
transmitted to the United States Patent and Trademark Office via  
the Office electronic filing system on

**March 16, 2009.**

Signature: /Linda Lecomte/  
Linda Shudy Lecomte

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner in the final Office Action dated October 16, 2008, finally rejecting claims 13 to 26. Applicants believe that claims 13 to 26 should be allowed, and respectfully make this appeal of the Examiner's rejections of those claims.

In addition, Applicants are filing herewith a Response in the present application for consideration by the Patent Office. This is also a Request under 37 C.F.R. § 1.136(a) to extend the three-month response date by two months from January 16, 2009 to March 16, 2009.

The Commissioner is hereby authorized to charge the 37 C.F.R. § 1.191 Notice of Appeal fee, which is believed to be **\$540.00**, and the extension fee amount of **\$490.00** to the deposit account number **11-0600** of **Kenyon & Kenyon LLP**. The Commissioner is also authorized, as appropriate and/or necessary, to charge any additional fees, including any additional Rule 136(a) extension fees, or credit any excess fees to deposit account number **11-0600** of **Kenyon & Kenyon LLP**.

Dated: March 16, 2009

**CUSTOMER NO. 26646**

Respectfully submitted,  
By: /Linda Lecomte/  
Linda Shudy Lecomte (Reg. No. 47,084)  
KENYON & KENYON LLP  
One Broadway  
New York, New York 10004  
Tel. (212) 425-7200  
Fax (212) 425-5288